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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Amin Ibrahim HASSEN

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Todd M. LYONS, Acting
Director, U.S. Immigration & Customs
Enforcement; David EASTERWOOD, Acting
Director, St. Paul Field Office, Immigration and
Customs Enforcement; Warden, ERO El Paso –
Camp East Montana

Respondents.

Case No: EP-26-CV-00048-DB

**PETITIONER'S EMERGENCY
MOTION TO ENFORCE COURT
ORDER AND FOR IMMEDIATE
RELEASE**

TO THE HONORABLE COURT:

Petitioner respectfully moves for immediate enforcement of this Court's February 9, 2026, Order (ECF No. 8). The Court ordered Respondents to provide Petitioner with a bond hearing before an immigration judge at which the government bears the burden of justifying, by clear and convincing evidence, Petitioner's continued detention, or to release him from custody under reasonable conditions of supervision no later than February 11, 2026.

That deadline has passed. No compliant bond hearing occurred. Petitioner remains detained. No stay of this Court's Order has been sought or entered.

I. THE COURT'S CONDITIONAL WRIT HAS RIPENED INTO RELEASE

The Court's Order required Respondents to provide a bond hearing or release Petitioner from custody no later than February 11, 2026. Although a hearing was scheduled, and this Court's Order was in the bond record, the Immigration Judge issued a written order denying bond for lack of jurisdiction less than one hour before the scheduled hearing. No bond hearing occurred (See Pet'r's Ex. 5).

Because Respondents failed to provide the ordered hearing by the Court's deadline, the alternative condition—release—became operative under the plain terms of the Court's Order.

II. ADMINISTRATIVE DISAGREEMENT DOES NOT SUSPEND AN ARTICLE III MANDATE

The Immigration Judge's determination that he lacked jurisdiction does not suspend or override this Court's Order. An Executive Branch adjudicator may not nullify an Article III mandate through a contrary jurisdictional conclusion. The proper avenue for disagreement is appeal—not noncompliance.

The Court expressly acknowledged the Fifth Circuit's precedential decision in *Buenrostro-Mendez v. Bondi* and nonetheless granted procedural due process relief. Absent a stay, this Court's Order remains binding.

III. CONTINUED DETENTION CONSTITUTES ONGOING IRREPARABLE HARM

Petitioner remains detained in violation of a federal court order. He also remains subject to a guardianship ordered by a Minnesota State Court (See Petr'r's Ex. 3). Each additional day of

detention compounds the constitutional injury and undermines the authority of this Court's judgment.

IV. REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. Order Respondents to immediately release Petitioner pursuant to the conditional terms of the February 9, 2026 Order;
2. Order Respondents to restore Petitioner to Minnesota to effectuate meaningful habeas relief;
3. Order Respondents to return any property seized from Petitioner at the time of arrest, including identification, employment authorization, telephone, and personal effects;
4. Grant any further relief necessary to enforce the Court's judgment.

V. EXPEDITED CONSIDERATION REQUESTED

Because the February 11, 2026, compliance deadline has passed and Petitioner remains detained, expedited consideration is respectfully requested.

DATED February 11, 2026



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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2026, I electronically filed the foregoing PETITIONER'S EMERGENCY MOTION TO ENFORCE COURT ORDER AND FOR IMMEDIATE RELEASE with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record registered to receive electronic service through the CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct.

DATED February 11, 2026



Robin Chandler Carr